

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

MICHAEL G. PICKENS

PLAINTIFF

v.

5:15-CV-00030-BRW

WENDY KELLY

DEFENDANT

ORDER

Pending is Defendant's Motion for Certificate of Appealability.

The standard for evaluating a certificate of appealability petition is set out in 28 U.S.C. § 2253(c)(2): "A certificate of appealability may issue . . . only if the applicant has made a substantial showing of the denial of a constitutional right." The Eighth Circuit has explained that "[a] substantial showing is a showing that issues are debatable among reasonable jurists, a court could resolve the issues differently, or the issues deserve further proceedings."¹

Since Defendant has not made a substantial showing of the denial of any constitutional right, the Motion for Certificate of Appealability is DENIED.

The motion to appeal *in forma pauperis* (Doc. No. 46) is DENIED. This case was closed over seven years ago.

IT IS SO ORDERED this 15th day of May, 2023.

Billy Roy Wilson
UNITED STATES DISTRICT JUDGE

¹*Cox v. Norris*, 133 F.3d 565, 569 (8th Cir. 1997).

